

Introduced by Senator Florez

February 18, 2005

An act to add Section 12978.5 to the Food and Agricultural Code, relating to pesticide.

LEGISLATIVE COUNSEL'S DIGEST

SB 509, as introduced, Florez. Pesticide: notification.

Existing law provides that pesticide applications on public property that take place on school grounds, parks, or other public rights-of-way where public exposure is foreseeable shall be posted with signs in English and Spanish that contain a warning that the area has been treated with a pesticide and that individuals are not to enter the area.

This bill would require the operator of property on which any pesticide application is to occur to provide written notification, as specified, to all individuals who are at-risk of coming into contact with that pesticide at locations within one mile from the application site. This bill would require the notification to be received at least 24 hours before the application, and to include contact information for the applicator and a description of the pesticide being applied.

Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 12978.5 is added to the Food and Agricultural Code, to read:

12978.5. (a) The operator of property on which any pesticide application is to occur shall provide written notification to all individuals who are at-risk of coming into contact with that pesticide at all locations, including, but not limited to, residences, businesses, schools, whether in session or out of session, day care centers, labor camps, hospitals, health clinics, and nursing homes, within one mile from the application site.

(1) The notification must be received by the individuals who are at-risk of coming into contact with the pesticide at least 24 hours before the pesticide application.

(2) The notification shall include contact information for the applicator, a description of the pesticide being applied, the telephone number of local emergency services during and after office hours, and information on the public's rights regarding pesticide drift and pesticide poisoning.

(3) Notification shall be made in English and Spanish unless deemed unnecessary by the director.

(b) The secretary, director and commissioner shall enforce the provisions of this section and any regulations adopted pursuant to it.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.